

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

ANDREW GUY MORET,

Plaintiff,

v.

Case No. 6:21-cv-00477-MO

STATE OF OREGON, et al.,

ORDER OF DISMISSAL

Defendants.

MOSMAN, J.,

This matter comes before me on Plaintiff Andrew Guy Moret's Motion for Leave to File Amended Complaint [ECF 69]. For the reasons explained below, I deny Moret's motion and dismiss his case as frivolous.

BACKGROUND

Moret initiated this case in March 2021, alleging a host of constitutional and tort claims against Defendants. Compl. [ECF 2]. The Defendants in this case are a galley of government employees and agencies. Defendants moved to dismiss. Mot. to Dismiss [ECF 10]. I granted the motion in part, dismissing most of Moret's claims with prejudice. Op. & Order [ECF 13] at 6. However, I granted Moret leave to amend his claims of negligent deletion of video evidence, denial of access to the courts, and conspiracy. *Id.*

After requesting an extension, Moret filed his amended complaint on October 15, 2021. Am. Compl. [ECF 23]. Ten days later, he moved for leave to amend his complaint again so that he could docket a "final version" of his complaint that was fully typed and "explained" some

aspects of his claim “with increased detail.” Mot. for Leave to Amend [ECF 25]. He moved to supplement that complaint the week after. Mot. to Supplement [ECF 33]. I granted the motion to amend and ordered Moret to file the amended complaint he attached to that motion. Order [ECF 41]. But instead of filing his proposed complaint, Moret elected to move to amend again. Mot. to Amend [ECF 50] (explaining Moret did not have the resources to write a new complaint within what he thought was the case management schedule). Because Moret never docketed the complaint he had moved to supplement, I denied his motion to supplement. Order [ECF 57]. In March 2022, Moret filed another motion for leave to amend. Mot. to Amend [ECF 69]. That motion is before me now.

DISCUSSION

To put it generously, Moret’s proposed complaint is ambitious. It lists hundreds of defendants, including every member of the Oregon judiciary—and their spouses. Mot to Amend [ECF 69] Ex. 1 at 5–8. It describes a vast government scheme to make Oregon a “safe-haven for sex-offenders” and to “experiment[]” on “[t]he male population.” *Id.* at 14. It alleges the Oregon government has committed tax fraud, destroyed evidence, and has unfairly deprived prisoners of “good wholesome pornography.” *Id.* at 27, 30, 38. And what is the government’s motive? According to Moret: “EVIL.” *Id.* at 28.

However, the complaint’s zeal does not make up for its many deficiencies. The complaint fails to allege fraud with any particularity. *See* Fed. R. Civ. Pro. 9(b). It re-alleges many claims that I dismissed in my previous order. *See* Op. & Order [ECF 13]. And critically, the complaint is frivolous.

While a court may not dismiss a complaint simply because it finds the allegations to be unlikely, *Denton v. Hernandez*, 504 U.S. 25, 33 (1992), it may do so upon a finding that the

claim is frivolous. *Id.* at 32–33. A claim is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). After several opportunities to amend his complaint, Moret has yet to plead a single “claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Instead, he has doubled down on baseless conspiracy theories. I find Moret’s claims are without basis in law or fact and are therefore frivolous.

Under 28 U.S.C. § 1915(e)(2)(B)(i), I must dismiss a case filed *in forma pauperis* upon determining it “is frivolous or malicious.” Accordingly, I deny Moret’s Motion for Leave to File Amended Complaint [ECF 69] and dismiss this case for frivolity. It is therefore ordered and adjudged that this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 11 day of May, 2022.

Michael W. Mosman

MICHAEL W. MOSMAN

Senior United States District Judge